

(2) files his contract for service with the Postal Service; and

(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767.)

§ 5007. Free transportation of postal employees

(a) Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

(b)(1) In this subsection, “air carrier” and “aircraft” have the same meanings given those terms in section 40102(a) of title 49.

(2) An air carrier engaged in transporting mail shall carry without charge on any plane it operates those agents and officers of the Postal Service traveling on official business related to transporting mail by aircraft, as prescribed by regulations of the Secretary of Transportation, on exhibiting credentials.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 103-272, §4(g)(1), July 5, 1994, 108 Stat. 1364.)

AMENDMENTS

1994—Pub. L. 103-272 designated existing provisions as subsec. (a) and added subsec. (b).

CHAPTER 52—TRANSPORTATION OF MAIL BY SURFACE CARRIER

| | |
|-------|---|
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AMENDMENTS

1995—Pub. L. 104-88, title III, §307(15), Dec. 29, 1995, 109 Stat. 946, substituted “Surface Transportation Board” for “Interstate Commerce Commission” in item 5207.

§ 5201. Definitions

For purposes of this chapter—

(1) “Board” means the Surface Transportation Board;

(2) “carrier” and “regulated surface carrier” mean a railroad, a freight forwarder, or a motor carrier;

(3) “railroad” means a railway common carrier, including an electric urban and inter-urban railway common carrier;

(4) “freight forwarder” means any regulated freight forwarder which holds itself out to the general public as a carrier to transport or provide transportation of property as authorized by a registration issued by the Board;

(5) “motor carrier” means a motor carrier, except a passenger-carrying motor vehicle of such a carrier, within the meaning of section 13102(12) of title 49, that holds a registration issued by the Board;

(6) “person” includes any person other than a carrier holding a certificate or registration issued by the Board; and

(7) “mail” includes equipment and supplies of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 95-473, §2(a)(4)(A)–(C), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 96-454, §3(b)(2), Oct. 15, 1980, 94 Stat. 2012; Pub. L. 97-261, §6(d)(4), Sept. 20, 1982, 96 Stat. 1107; Pub. L. 99-521, §4(3), Oct. 22, 1986, 100 Stat. 2993; Pub. L. 104-88, title III, §307(3)–(9), (14), Dec. 29, 1995, 109 Stat. 946.)

AMENDMENTS

1995—Par. (1). Pub. L. 104-88, §307(3), added par. (1) and struck out former par. (1) which read as follows: “‘Commission’ means the Interstate Commerce Commission;”.

Par. (2). Pub. L. 104-88, §307(4), substituted “or a motor carrier” for “a motor common carrier, or express carrier”.

Par. (4). Pub. L. 104-88, §307(5), (14), substituted “carrier” for “common carrier”, “registration” for “permit”, and “Board” for “Commission”.

Par. (5). Pub. L. 104-88, §307(6), (14), substituted “motor carrier” for “motor common carrier” in two places, “13102(12)” for “10102(14)”, “registration” for “certificate of public convenience and necessity”, and “Board” for “Commission”.

Par. (6). Pub. L. 104-88, §307(7)–(9), (14), redesignated par. (7) as (6), substituted “certificate or registration” for “certificate of public convenience and necessity” and “Board” for “Commission”, and struck out former par. (6) which read as follows: “‘express carrier’ means any express carrier engaged in transportation as a common carrier for hire under section 10102(8) of title 49;”.

Pars. (7), (8). Pub. L. 104-88, §307(8), redesignated pars. (7) and (8) as (6) and (7), respectively.

1986—Par. (5). Pub. L. 99-521 substituted reference to section 10102(14) of title 49 for reference to section 10102(13) of title 49.

1982—Par. (5). Pub. L. 97-261, §6(d)(4)(A), substituted “10102(13)” for “10102(12)”.

Par. (6). Pub. L. 97-261, §6(d)(4)(B), substituted “10102(8) of title 49” for “10102(7)”.

1980—Par. (5). Pub. L. 96-454 substituted “10102(12)” for “10102(11)”.

1978—Par. (2). Pub. L. 95-473, §2(a)(4)(A), substituted “motor common carrier, or express carrier” for “motor carrier, or an express company”.

Par. (5). Pub. L. 95-473, §2(a)(4)(B), substituted “‘motor common carrier’ means a motor common carrier, except a passenger-carrying motor vehicle of such a carrier, within the meaning of section 10102(11) of title 49, that holds a certificate of public convenience and necessity issued by the Commission” for “‘motor carrier’ means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission”.

Par. (6). Pub. L. 95-473, §2(a)(4)(C), substituted “carrier” for “company” and “section 10102(7)” for “section 1(3) of title 49”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 15 of Pub. L. 99-521 provided that: “This Act [see Tables for classification] shall take effect sixty days after the date of the enactment of this Act [Oct. 22, 1986].”

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-261 effective on 60th day after Sept. 20, 1982, see section 31(a) of Pub. L. 97-261, set out as a note under section 77c of Title 15, Commerce and Trade.

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5005 of this title.

§ 5202. Applicability

This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768.)

§ 5203. Authorization of service by carrier

(a) The Postal Service may establish mail routes and authorize mail transportation service thereon.

(b) A carrier shall transport mail offered for transportation by the Postal Service in the manner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

(d) A carrier shall transport with due speed such mail as the Postal Service directs under this section.

(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, to provide service for the Postal Service at a rate which is less than compensatory cost, or to provide service at a detriment to the carrier or its other customers.

(f) Any order or determination of the Postal Service providing for the transportation of mail by a motor carrier shall be filed with the Board. If the Board finds, within 90 days after the filing, that the order or determination will be detrimental to the motor carrier or its other customers, or that such carrier does not operate equipment suitable for the transportation of mail, the order or determination shall be terminated.

(g) An order or determination of the Postal Service under this section shall be consistent with the orders of the Board under sections 5207 and 5208 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 95-473, §2(a)(4)(D), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 104-88, title III, §307(10), (14), Dec. 29, 1995, 109 Stat. 946.)

AMENDMENTS

1995—Subsec. (f). Pub. L. 104-88 substituted “motor carrier” for “motor common carrier” in two places and “Board” for “Commission” in two places.

Subsec. (g). Pub. L. 104-88, §307(14), substituted “Board” for “Commission”.

1978—Subsec. (f). Pub. L. 95-473 substituted “motor common carrier” for “motor carrier” in two places.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5206 of this title.

§ 5204. Changes in service; placement of equipment

(a) The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed under this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 769.)

§ 5205. Evidence of service

A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 769.)

§ 5206. Fines and deductions

(a) The Postal Service may fine any carrier an amount not to exceed \$500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 5203 of this title.

(c) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5203 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compensation applying to such service. Such deductions

shall not be made prior to the expiration of 60 days following service upon the carrier by the Board of notice of intention to assess a fine or make a deduction and of the basis therefor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 769.)

§ 5207. Surface Transportation Board to fix rates

(a) The Board shall determine and fix the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Board shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

(b) For the purpose of determining and fixing rates or compensation under this section, the Board may make just and reasonable classifications of carriers and, where just and equitable, fix general rates applicable to carriers in the same classification.

(c) In determining and fixing fair and reasonable rates or compensation under this section, the Board shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Board fixes the rates or compensation under subsection (a) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104-88, title III, §307(11), (14), Dec. 29, 1995, 109 Stat. 946.)

AMENDMENTS

1995—Pub. L. 104-88 substituted “Surface Transportation Board” for “Interstate Commerce Commission” in section catchline and “Board” for “Commission” wherever appearing in text.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5203, 5208, 5212 of this title.

§ 5208. Procedures

(a) At any time after 6 months from the entry of an order stating the Board’s determination under section 5207 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates of compensation for services covered by the application. At the conclusion of the hearing the Board shall enter an order stating its determination.

(b) Except as authorized by sections 5207(d), 5209, 5210, and 5212 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

(c) The Postal Service may file with the Board a comprehensive plan stating—

(1) its requirements for the transportation of mail by carrier;

(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

(3) the service, both terminal and en route, which carriers are to render;

(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Board.

(d) When a comprehensive plan is filed, the Board shall give notice of not less than 30 days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Board, but not later than 30 days after the expiration date fixed by the Board in the notice, and the Board shall proceed with the hearing.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104-88, title III, §307(12), (14), Dec. 29, 1995, 109 Stat. 946.)

AMENDMENTS

1995—Pub. L. 104-88 substituted “Board’s” for “Commission’s” in subsec. (a) and “Board” for “Commission” wherever appearing in subsections. (a), (c), and (d).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5203 of this title.

§ 5209. Special rates

Upon petition by the Postal Service, the Board shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104-88, title III, §307(14), Dec. 29, 1995, 109 Stat. 946.)

AMENDMENTS

1995—Pub. L. 104-88 substituted “Board” for “Commission”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5208 of this title.

§ 5210. Intermodal transportation

The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or

compensation not exceeding those allowable for similar service by the designated form of transportation.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5208 of this title.

§ 5211. Statistical studies

The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

§ 5212. Special contracts

The Postal Service may enter into special contracts with any carrier or person, without advertising, for bids and for periods not in excess of 4 years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Board. The fact that the Board has not prescribed rates or compensation for the carrier involved, under section 5207 of this title, shall not preclude execution of a contract under this section. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other carriers or persons have been given an opportunity to offer to negotiate for the transportation of mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 104-88, title III, §307(14), Dec. 29, 1995, 109 Stat. 946.)

AMENDMENTS

1995—Pub. L. 104-88 substituted “Board” for “Commission” in two places.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5208 of this title.

§ 5213. Carrier operations; receipts; expenditures

The Postal Service shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

§ 5214. Agreements with passenger common carriers by motor vehicle

The Postal Service may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on

which the carrier is permitted by law to transport passengers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

§ 5215. Star route certification

(a) Any person who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this section (or successor in interest to any such person), shall, upon application to the Board for the territory within which such contractor operated on or before the effective date of this section be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Board without the Board’s requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

(b) Applications of persons who were not contractors on the effective date of this section shall be decided in accordance with applicable Board procedure.

(c) For purposes of this section, the term “person” has the same meaning given that term under section 1 of title 1.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 95-473, §2(a)(4)(E), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 104-88, title III, §307(12)–(14), Dec. 29, 1995, 109 Stat. 946.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsecs. (a) and (b), is July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-88 substituted “Board” for “Commission” in two places, “motor carrier” for “motor common carrier”, and “Board’s” for “Commission’s”.

Subsec. (b). Pub. L. 104-88, §307(14), substituted “Board” for “Commission”.

1978—Subsec. (a). Pub. L. 95-473 substituted “motor common carrier” for “motor carrier”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

CHAPTER 54—TRANSPORTATION OF MAIL BY AIR

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| Sec. | |
| 5401. | Authorization. |
| 5402. | Contracts for transportation of mail by air. |
| 5403. | Fines. |

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5005 of this title.

§ 5401. Authorization

(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with part A of subtitle VII of title 49, or any order, rule, or regulation made by the Secretary